



Senate

General Assembly

File No. 442

January Session, 2005

Substitute Senate Bill No. 262

Senate, April 20, 2005

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING ACCESS TO DECEDENTS' ELECTRONIC MAIL ACCOUNTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2005*) (a) For the purposes of
2 this section:

3 (1) "Electronic mail service provider" means any person who (A) is
4 an intermediary in sending or receiving electronic mail, and (B)
5 provides to end-users of electronic mail services the ability to send or
6 receive electronic mail; and

7 (2) "Electronic mail account" means: (A) All electronic mail sent or
8 received by an end-user of electronic mail services provided by an
9 electronic mail service provider that is stored or recorded by such
10 electronic mail service provider in the regular course of providing such
11 services; and (B) any other electronic information stored or recorded
12 by such electronic mail service provider that is directly related to the

13 electronic mail services provided to such end-user by such electronic
14 mail service provider, including, but not limited to, billing and
15 payment information.

16 (b) An electronic mail service provider shall provide, to the executor
17 or administrator of the estate of a deceased person who was domiciled
18 in this state at the time of his or her death, access to or copies of the
19 contents of the electronic mail account of such deceased person upon
20 receipt by the electronic mail service provider of: (1) A written request
21 for such access or copies made by such executor or administrator,
22 accompanied by a copy of the death certificate and a certified copy of
23 the certificate of appointment as executor or administrator; or (2) an
24 order of the court of probate that by law has jurisdiction of the estate of
25 such deceased person.

26 (c) Nothing in this section shall be construed to require an electronic
27 mail service provider to disclose any information in violation of any
28 applicable federal law.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	October 1, 2005	New section
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JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Probate Court	PCAF - None	None	None

Note: PCAF=Probate Court Administration Fund

Municipal Impact: None

Explanation

The bill makes a minor change to the statutes involving the disclosure of certain information pursuant to the execution or administration of an estate. This change has no fiscal impact.

OLR Bill Analysis

sSB 262

AN ACT CONCERNING ACCESS TO DECEDENTS' ELECTRONIC MAIL ACCOUNTS**SUMMARY:**

This bill requires email service providers to give estate executors and administrators access to, or copies of, the decedent's email account. The decedent must have been domiciled in Connecticut when he died, and estate executors and administrators must present proof of their status.

Email service providers need not disclose information if doing so would violate federal law.

EFFECTIVE DATE: October 1, 2005

DEFINITIONS***Email Service Provider***

Under the bill, an email service provider is an intermediary that gives end-users the ability to send or receive email.

Electronic Mail Account

An electronic mail account contains all email the end-user sent or received that the provider has stored or recorded in its regular course of business. It also contains other stored or recorded electronic information directly related to the email services it provided, such as billing and payment information.

PROOF OF STATUS

Executors and administrators can satisfy the bill's requirements by giving the service provider a written request, a copy of the death certificate, and a certified copy of their certificate of appointment. Alternatively, a probate judge who has jurisdiction over the estate can

order disclosure.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 40 Nay 0